

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

AVIDAIR HELICOPTER SUPPLY, INC.,)
)
Plaintiff,)
)
vs.) Case No. 06-0816-CV-W-ODS
)
ROLLS-ROYCE CORPORATION,)
)
Defendant.)

ORDER AND OPINION GRANTING MOTION TO AMEND PERMANENT INJUNCTION

Following a jury trial, the Court entered an Order and Opinion granting in part Rolls-Royce Corporation's request for injunctive relief. In that Order the Court stated that Rolls-Royce had abandoned its claim with respect to BookFax 97-AMC-059 ("the BookFax"), so injunctive relief was not ordered with respect to that item. Rolls-Royce contends the Court's statement was overly broad, and upon reconsideration the Court agrees. The Transcript reveals that Rolls-Royce withdrew only its claim for damages from the BookFax's misappropriation and specifically agreed with the Court's statement that the issue of injunctive relief remained.

The Record also establishes Rolls-Royce is entitled to injunctive relief. Prior to trial the Court held that the BookFax was a trade secret and there were factual disputes as to whether it had been misappropriated. While the issue of misappropriation was withdrawn, the Court's finding is sufficient to establish that the BookFax is Rolls-Royce's property and that Rolls-Royce is entitled to its return. AvidAir re-asserts its prior arguments, contending the BookFax was not a trade secret because some of its contents were revealed to the Japanese military. The Court previously rejected this argument, and AvidAir presents no reason for the Court to change its ruling.

For these reasons, Rolls-Royce's motion (Doc. # 353) is granted. The court's September 30, 2010, Order is amended by adding BookFax 97-AMC-059 to the list of documents in section IV that must be returned and accounted for.

IT IS SO ORDERED.

DATE: October 20, 2010

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT